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and HECTOR VAZQUEZ

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9
10 **UNITED STATES DISTRICT COURT**

11 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

12 JENNIE QUAN, individually and as
13 successor in interest to BENJAMIN
14 CHIN, deceased,

15 Plaintiff,

16 v.

17 COUNTY OF LOS ANGELES;
18 MARISOL BARAJAS; HECTOR
VAZQUEZ; and DOES 3-10, inclusive,

19 Defendants.

Case No. 2:24-cv-04805-MCS(KSx)

**DEFENDANTS' EVIDENTIARY
OBJECTIONS TO PLAINTIFF'S
STATEMENT OF ADDITIONAL
UNCONTROVERTED FACTS**

[Filed Concurrently with: 1)
Defendants' Reply to Plaintiff's
Opposition; 2) Defendants' Response to
Plaintiff's Statement of Additional
Uncontroverted Facts; 3) Defendants'
Response to Plaintiff's Statement of
Genuine Disputes]

[Assigned to Hon. Mark C. Scarsi,
Courtroom "7C"]

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21
22 TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF
23 RECORD:

24 Defendants COUNTY OF LOS ANGELES, MARISOL BARAJAS AND
25 HECTOR VAZQUEZ (collectively, "Defendants") hereby submit their evidentiary
26 objections to Plaintiff's Statement of Additional Uncontroverted Facts.

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1	Moving Party's	Opposing Party's	Court's Ruling
2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	<u>The Deputies Receive a Call for Service</u>		
5	94. Vazquez received a call	94.	
6	for service regarding a male		
7	Asian, wearing a bullet proof		
8	vest, walking down the street		
9	with an assault-style rifle, and		
10	firing off rounds.		
11	<i>Evidence:</i> Ex. 1 to Le Decl.,		
12	Vazquez Dep. 52:12-18.		
13			
14	95. Vazquez had	95.	
15	information that the shots had		
16	been fired in the air.		
17	<i>Evidence:</i> Ex. 1 to Le Decl.,		
18	Vazquez Dep. 41:13-17.		
19			
20	96. Vazquez also had	96. Lacks foundation	
21	information that someone had	and calls for	
22	been stabbed but he did not	speculation- FRE	
23	know the severity of it.	602; 701.	
24	<i>Evidence:</i> Ex. 1 to Le Decl.,		
25	Vazquez Dep. 41:18-25.		
26			
27	97. The only information	97. Lacks foundation	
28	that was transmitted over the	and calls for	
	radio that related the stabbing	speculation- FRE	
	victim to the incident was that	602; 701.	
	the victim was in the area		
	where the person with the gun	Relevance – FRE	
	was.	401	
	<i>Evidence:</i> Ex. 13 to Le Decl.,		
	Toves Dep. 20:1-16.	Vague as to time –	
		FRE 403	

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1	Moving Party's	Opposing Party's	Court's Ruling
2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4			
5	98. Barajas started to panic	98. Relevance – FRE	
6	when she heard the priority	401	
7	call.		
8	<i>Evidence:</i> Barajas Dep. 41:8-12.		
9	99. When Barajas heard that	99. Lacks foundation -	
10	there was a stabbing victim and	FRE 602	
11	shots had been fired, she	Misstates testimony	
12	became extremely nervous and	- FRE 403.	
13	started to panic.		
14	Barajas Dep. 47:16-19.	This evidence refers to	
15		Deputy Barajas <i>recalling</i> a	
16		statement she made about	
17		becoming extremely	
18		nervous and starting to	
19		panic.	
20		Relevance – FRE	
21		401	
22	100. Neither Vazquez nor	100. Relevance – FRE	
23	Barajas had ever seen Chin	401	
24	before the day of the incident.		
25	<i>Evidence:</i> Ex. 1 to Le Decl.,		
26	Vazquez Dep. 77:8-10; Barajas		
27	Dep. 58:22-24.		
28	101. Neither Vazquez nor	101. Lacks foundation	
	Barajas had any information	and calls for	
	regarding Chin's background,	speculation- FRE	
	including any criminal history	602; 701.	
	or any information as to	Relevance – FRE	

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1	2	3	4
	Moving Party's	Opposing Party's	Court's Ruling
	Uncontroverted Facts and	Objections	
	Supporting Evidence		
4	whether Chin was under the	401	
5	influence of drugs or alcohol.		
6	<i>Evidence:</i> Ex. 1 to Le Decl.,	Vague and	
7	Vazquez Dep. 77:11-13, 77:14-	ambiguous as to	
8	19; Barajas Dep. 58:25-59:2.	"any information" –	
9		FRE 403	
10	<u>The Deputies Encounter Decedent</u>		
11	102. When Vazquez	102. Relevance – FRE	
12	encountered an Asian female,	401	
13	later identified as Plaintiff		
14	Jennie Quan, Vazquez saw		
15	blood on Plaintiff's hands but		
16	did not know the source of the		
17	blood.		
18	<i>Evidence:</i> Ex. 1 to Le Decl.,		
19	Vazquez Dep. 42:14-43:5.		
20	103. When Vazquez was	103. Relevance – FRE	
21	talking to Plaintiff, he could	401	
22	not tell whether or not she had		
23	been stabbed—he just saw		
24	blood.		
25	<i>Evidence:</i> Ex. 1 to Le Decl.,		
26	Vazquez Dep. 59:21-25.		
27	104. Vazquez did not ask	104. Relevance – FRE	
28	Plaintiff if she needed medical	401	
	attention nor did he call		
	medical attention for her.		
	<i>Evidence:</i> Ex. 1 to Le Decl.,		
	Vazquez Dep. 43:9-13.		

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1	Moving Party's	Opposing Party's	Court's Ruling
2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	105. Plaintiff told Vazquez	105. Relevance – FRE	
5	“Don’t hurt him” and “Don’t	401	
6	shoot him” a few times.		
7	<i>Evidence:</i> Ex. 1 to Le Decl.,		
8	Vazquez Dep. 42:1-11.		
9	106. At around the time	106. Relevance – FRE	
10	Plaintiff told Vazquez, “Don’t	401	
11	hurt him” or “Don’t shoot	Vague as to time –	
12	him,” Vazquez saw Chin.	FRE 403	
13	<i>Evidence:</i> Vazquez 43:14-18.		
14	107. Vazquez first saw Chin	107. Lacks foundation	
15	in Crooked Creek, facing	and calls for	
16	houses, and there did not	speculation- FRE	
17	appear to be any people	602; 701.	
18	around.	Relevance – FRE	
19	<i>Evidence:</i> Vazquez 24:11-15,	401	
20	61:20-21.	Vague as to time –	
21		FRE 403	
22	108. Vazquez observed that	108.	
23	Chin was wearing a vest and		
24	had a rifle slung over his right		
25	side.		
26	<i>Evidence:</i> Vazquez 24:23-25:1.		
27	109. Vazquez decided to get	109.	
28	his County-issued patrol		
	shotgun.		
	<i>Evidence:</i> Vazquez 15:5-12,		
	43:19-21.		

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1	Moving Party's	Opposing Party's	Court's Ruling
2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	110. Vazquez's shotgun is a	110. Relevance – FRE	
5	pump shotgun that requires the	401	
6	user the pump the shotgun to		
7	eject a casing and load the next		
8	round.		
9	<i>Evidence:</i> Ex. 1 to Le Decl.,		
	Vazquez Dep. 66:2-11.		
10	111. A casing is ejected from	111. Relevance – FRE	
11	the shotgun after a shot has	401	
12	occurred, in order to load the		
13	next round.		
14	<i>Evidence:</i> Ex. 1 to Le Decl.,		
	Vazquez Dep. 66:12-67:1.		
15	112. Vazquez then observed	112.	
16	Chin walk eastbound towards		
17	Diamond Bar Boulevard.		
18	<i>Evidence:</i> Vazquez 25:13-26:6.		
19	113. Chin walked	113. Vague as to time –	
20	approximately half a block	FRE 403	
21	with the rifle slung over his		
22	right side the entire time before		
23	he got to Diamond Bar		
	Boulevard.		
24	<i>Evidence:</i> Vazquez 26:16-22.		
25	114. When Chin reached	114.	
26	Diamond Bar Boulevard, he		
27	made a turn and proceeded		
28	northbound		
	<i>Evidence:</i> Vazquez 26:10-15.		

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
Moving Party's Uncontroverted Facts and Supporting Evidence				Opposing Party's Objections				Court's Ruling																			
115. Chin walked a northbound on Diamond Bar Boulevard a very minimal amount—approximately 20 to 30 feet. <i>Evidence:</i> Vazquez 27:13-15.				115. Lacks foundation and calls for speculation- FRE 602; 701. Relevance – FRE 401 Vague as to time – FRE 403																							
116. Chin was walking at a slow, steady pace on Diamond Bar Boulevard. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 62:20-23; Ex. 2 to Le Decl., Vazquez BWC at 5:02-5:34.				116. Lacks foundation - FRE 602; Relevance – FRE 401 Vague as to time – FRE 403																							
117. Vazquez conceded that he could not shoot Chin for simply walking away. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 30:1-4.				117. Lacks foundation - FRE 602 Relevance – FRE 401 Vague as to time – FRE 403																							
118. Vazquez conceded that based on his training and the totality of the circumstances, he could not shoot Chin as a fleeing felon and could only shoot him if Chin posed an immediate or imminent threat of death or serious bodily injury.				118. Lacks foundation - FRE 602 Relevance – FRE 401 Calls for speculation; calls for legal conclusion – FRE 701																							

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2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	<i>Evidence:</i> Ex. 1 to Le Decl.,		
5	Vazquez Dep. 30:5-22.		
6	119. Vazquez told	119. Relevance – FRE	
7	Bronowicki to pull up with his	401	
8	vehicle so that he could		
9	continue to provide cover to		
10	Vazquez and Bronowicki		
11	complied.		
12	<i>Evidence:</i> Ex. 1 to Le Decl.,		
13	Vazquez Dep. 62:24-63:7.		
14	120. One of the reasons	120. Relevance – FRE	
15	Vazquez wanted the other	401	
16	deputy to bring the car up was		
17	to provide Vazquez with cover.		
18	<i>Evidence:</i> Ex. 1 to Le Decl.,		
19	Vazquez Dep. 48:2-5.		
20	121. Vazquez then left cover	121. Lacks foundation	
21	ran on foot away from	and calls for	
22	Bronowicki's vehicle, towards	speculation- FRE	
23	the north sidewalk of Crooked	602; 701.	
24	Creek.		
25	<i>Evidence:</i> Ex. 1 to Le Decl.,	Relevance – FRE	
26	Vazquez Dep. 63:8-12.	401	
27		Vague as to time –	
28		FRE 403	
	122. Barajas was driving	122.	
	southbound on Diamond Bar		
	Boulevard before she saw Chin		
	and stopped her car and got out		
	when she saw him.		
	<i>Evidence:</i> Ex. 10 to Le Decl.,		

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1	Moving Party's	Opposing Party's	Court's Ruling
2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	Barajas Dep. 22:20-23.		
5	123. Chin was walking	123.	
6	northbound on the southbound		
7	lane of Diamond Bar		
8	Boulevard.		
9	<i>Evidence:</i> Ex. 10 to Le Decl.,		
10	Barajas Dep. 20:2-16.		
11	124. Chin was in the number	124.	
12	one southbound lane on		
13	Diamond Bar Boulevard when		
14	Barajas encountered him.		
15	<i>Evidence:</i> Ex. 10 to Le Decl.,		
16	Barajas Dep. 20:2-6, 50:25-		
17	51:1.		
18	125. Barajas stopped her	125.	
19	vehicle in the number two lane		
20	of the three southbound lanes		
21	of Diamond Bar Boulevard.		
22	<i>Evidence:</i> Ex. 10 to Le Decl.,		
23	Barajas Dep. 51:3-8; Ex. 2 to Le		
24	Decl., Vazquez BWC at 5:19.		
25	126. Barajas experienced	126. Vague and	
26	additional panic when she saw	ambiguous – FRE	
27	Chin.	403	
28	<i>Evidence:</i> Ex. 10 to Le Decl.,		
	Barajas Dep. 42:19-21.		
	127. Barajas observed a	127.	
	firearm in a slung manner on		
	Chin's right side.		

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1	Moving Party's	Opposing Party's	Court's Ruling
2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	<i>Evidence:</i> Ex. 10 to Le Decl.,		
5	Barajas Dep. 36:20-22.		
6	128. Barajas observed that	128. Lacks foundation	
7	the barrel of the gun on Chin	and calls for	
8	was pointed down.	speculation- FRE	
9	<i>Evidence:</i> Ex. 10 to Le Decl.,	602; 701.	
10	Barajas Dep. 36:23-37:2.	Misstates testimony	
11		- FRE 403.	
12		This evidence refers to	
13		Deputy Barajas <i>recalling</i> a	
14		statement she made about	
15		the barrel of the	
16		Decedent's weapon being	
17		pointed down.	
18		Relevance – FRE	
19		401	
20		Vague as to time –	
21		FRE 403	
22	129. Barajas claims she	129.	
23	exited her vehicle as soon as		
24	she saw Chin.		
25	<i>Evidence:</i> Ex. 10 to Le Decl.,		
26	Barajas Dep. 22:3-6.		
27	130. There is no cross street	130. Relevance – FRE	
28	near where Barajas got out; it	401	
	was just a long street.		
	<i>Evidence:</i> Ex. 10 to Le Decl.,		
	Barajas Dep. 22:22-23:6.		

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Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Objections	Court's Ruling
<p>131. Barajas started to panic as Chin began walking in her direction.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 47:9-11.</p>	<p>131. Lacks foundation - FRE 602</p> <p>Misstates testimony - FRE 403.</p> <p>This evidence refers to Deputy Barajas <i>recalling</i> a statement she made about becoming extremely nervous and starting to panic.</p> <p>Relevance – FRE 401</p>	
<p>132. Chin had a blank stare on his face.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 59:6-8.</p>	<p>132. Lacks foundation and calls for speculation- FRE 602; 701.</p> <p>Relevance – FRE 401</p> <p>Vague as to “blank stare”– FRE 403</p>	
<p><u>The Deputies Use Excessive and Unreasonable Deadly Force Against Decedent</u></p>		
<p>133. Barajas fired the first shot.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 27:16-18, 56:7-12.</p>	<p>133.</p>	
<p>134. Chin was walking northbound on Diamond Bar</p>	<p>134.</p>	

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1	Moving Party's	Opposing Party's	Court's Ruling
2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	Boulevard at the time of the		
5	first shot.		
6	<i>Evidence:</i> Ex. 1 to Le Decl.,		
7	Vazquez Dep. 28:7- 12.		
8	135. Barajas was positioned	135.	
9	behind her driver's side door		
10	when she fired her first shot.		
11	<i>Evidence:</i> Ex. 10 to Le Decl.,		
12	Barajas Dep. 23:17-23.		
13	136. Chin was approximately	136. Lacks foundation	
14	20 to 25 feet from Barajas's	and calls for	
15	patrol vehicle when she fired	speculation- FRE	
16	her first shot.	602; 701.	
17	<i>Evidence:</i> Ex. 2 to Le Decl.,		
18	Vazquez BWC at 11:45:04-		
19	11:45:06.		
20	137. Barajas was aiming	137. Relevance – FRE	
21	towards Chin's waistline when	403	
22	she fired her first shot because		
23	she was trying to aim at a part		
24	that was not covered by the		
25	vest he was wearing.		
26	<i>Evidence:</i> Ex. 10 to Le Decl.,		
27	Barajas Dep. 26:15-27:12.		
28	138. The gun on Chin was	138. Lacks foundation -	
	pointed down when Barajas	FRE 602;	
	fired her first shot.		
	<i>Evidence:</i> Ex. 10 to Le Decl.,	Relevance – FRE	
	Barajas Dep. 37:3-5.	401	
		Vague as to	

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2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4		"pointed down" – FRE 403.	
5	139. Vazquez conceded that	139. Lacks foundation	
6	based on his training, he could	and calls for	
7	not shoot Chin for walking	speculation- FRE	
8	away at the time he heard the	602; 701.	
9	first shot because there was not	Relevance – FRE	
10	enough to justify the use of	401	
11	deadly force as Chin had only	Vague as to time –	
12	fired rounds in the air and	FRE 403	
13	Vazquez did not know the		
14	extent of the assault Chin had		
15	previously committed.		
16	<i>Evidence:</i> Ex. 1 to Le Decl.,		
17	Vazquez Dep. 28:17-29:25.		
18	140. Vazquez thought Chin	140. Calls for	
19	possibly had been struck by the	speculation- FRE	
20	first shot but was not sure.	701.	
21	<i>Evidence:</i> Ex. 1 to Le Decl.,		
22	Vazquez Dep. 22:24-23:1.		
23	141. Vazquez observed Chin	141.	
24	flinch by bending forward		
25	slightly before coming back up		
26	at the time of the first shot.		
27	<i>Evidence:</i> Ex. 1 to Le Decl.,		
28	Vazquez Dep. 22:4-21.		
	142. Other than a few cars on	142. Lacks foundation	
	Diamond Bar, there was	and calls for	
	nobody outside.	speculation- FRE	
	<i>Evidence:</i> Ex. 1 to Le Decl.,	602; 701.	
	Vazquez Dep. 62:17-19.	Relevance – FRE	

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1	Moving Party's	Opposing Party's	Court's Ruling
2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4		401	
5		Vague as to time –	
6		FRE 403	
7	143. After Barajas' first shot,	143. Lacks foundation -	
8	she started panicking even	FRE 602	
9	more.	Misstates testimony	
10	<i>Evidence:</i> Ex. 10 to Le Decl.,	- FRE 403.	
11	Barajas Dep. 48:10-16.	This evidence refers to	
12		Deputy Barajas <i>recalling</i> a	
13		statement she made about	
14		becoming panicking after	
15		her first shot.	
16		Relevance – FRE	
17		401	
18	144. Chin's right arm was	144. Lacks foundation -	
19	positioned at an angle with his	FRE 602;	
20	upper arm angling towards his	Vague and	
21	back, his elbow behind his	ambiguous – FRE	
22	back, and his forearm angling	403	
23	toward his front the entire time		
24	he was walking down		
25	Diamond Bar Boulevard.		
26	<i>Evidence:</i> Ex. 2 to Le Decl.,		
27	Vazquez BWC at 11:44:49-		
28	11:45:10; Ex 3 to Le Decl.,		
	Vazquez Dep. Ex. 1		
	Screenshot; Ex. 4 to Le Decl.,		
	Vazquez Dep. Ex. 2		
	Screenshot; Ex. 5 to Le Decl.,		
	Vazquez Dep. Ex. 3		
	Screenshot; Ex. 6 to Le Decl.,		
	Vazquez Dep. Ex. 4		

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1	Moving Party's	Opposing Party's	Court's Ruling
2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	Screenshot.		
5	145. Approximately six	145.	
6	seconds after Barajas' first		
7	shot, Vazquez discharged his		
8	shotgun at Chin.		
9	<i>Evidence:</i> Ex. 2 to Le Decl.,		
10	Vazquez BWC at 11:45:03-		
11	11:45:11; Ex. 11 to Le Decl.,		
12	Barajas BWC at 11:45:04-		
13	11:45:10.		
14	146. After Barajas's first	146. Lacks foundation	
15	shot, Chin took four small,	and calls for	
16	slow steps forward before	speculation- FRE	
17	Vazquez's first shot, followed	602; 701.	
18	immediately by Barajas's		
19	second shot.	Relevance – FRE	
20	<i>Evidence:</i> Ex. 2 to Le Decl.,	401	
21	Vazquez BWC at 11:45:03-		
22	11:45:12.	Vague as to time –	
23		FRE 403	
24	147. Vazquez was 30 to 40	147. Lacks foundation	
25	feet from Chin at the time he	and calls for	
26	fired.	speculation- FRE	
27	<i>Evidence:</i> Ex. 1 to Le Decl.,	602; 701.	
28	Vazquez Dep. 16:11-13.		
		Relevance – FRE	
		401	
		Vague as to time –	
		FRE 403	
	148. At the time of	148. Lacks foundation –	
	Vazquez's first shot, Chin was	FRE 602	
	facing northbound.		
		Relevance – FRE	

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2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	<i>Evidence:</i> Ex. 1 to Le Decl.,	401	
5	Vazquez Dep. 32:4-7; Ex. 2 to		
6	Le Decl., Vazquez BWC at	Vague as to time –	
7	11:45:10.	FRE 403	
8	149. Vazquez could tell that	149. Lacks foundation	
9	his first shot struck the middle	and calls for	
10	left, rear area of Chin's vest.	speculation- FRE	
11	<i>Evidence:</i> Ex. 1 to Le Decl.,	602; 701.	
12	Vazquez Dep. 31:2-6, 31:16-		
13	32:3.	Relevance – FRE	
14		401	
15	150. When Vazquez fired his	150. Relevance – FRE	
16	first shot, he was aiming at the	401	
17	left side of Chin's torso.		
18	<i>Evidence:</i> Ex. 1 to Le Decl.,	Compound – FRE	
19	Vazquez Dep. 18:10-15.	403.	
20	151. Vazquez was able to see	151. Relevance – FRE	
21	Chin's back at the time of	401	
22	Vazquez's first shot.		
23	<i>Evidence:</i> Ex. 1 to Le Decl.,		
24	Vazquez Dep. 19:19-21; Ex. 2		
25	to Le Decl., Vazquez BWC at		
26	11:45:10.		
27	152. At the time of	152. Lacks foundation -	
28	Vazquez's first shot, Chin was	FRE 602	
	facing northbound and		
	Vazquez was firing in a	Relevance – FRE	
	slightly northeast direction	401	
	<i>Evidence:</i> Ex. 1 to Le Decl.,	Vague and	
	Vazquez Dep. 19:4-13; Ex. 2 to	ambiguous – FRE	
	Le Decl., Vazquez BWC at	403	

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1	Moving Party's	Opposing Party's	Court's Ruling
2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	11:45:10.		
5	153. Chin's right arm did not	153. Lacks foundation	
6	change positions from when he	and calls for	
7	started walking northbound on	speculation- FRE	
8	Diamond Bar Boulevard to the	602; 701	
9	time of Vazquez's first shot.	Relevance – FRE	
10	<i>Evidence:</i> Ex. 2 to Le Decl.,	401	
11	Vazquez BWC at 11:44:49-	Vague as to time –	
12	11:45:11; Ex. 3 to Le Decl.,	FRE 403	
13	Vasquez Dep. Ex. 1 Screenshot;		
14	Ex. 4 to Le Decl., Vasquez Dep.		
15	Ex. 2 Screenshot; Ex. 5 to Le		
16	Decl., Vasquez Dep. Ex. 3		
17	Screenshot Dep.; Ex. 6 to Le		
18	Decl., Vasquez Dep. Ex. 4		
19	Screenshot.		
20	154. Barajas fired an	154. Relevance – FRE	
21	additional shot immediately	401	
22	after Vazquez's first shot.	Vague as to time –	
23	<i>Evidence:</i> Ex. 2 to Le Decl.,	FRE 403	
24	Vazquez BWC at 11:45:9-		
25	11:45:12; Ex. 11 to Le Decl.,		
26	Barajas BWC at 11:45:10-		
27	11:45:13.		
28	155. Barajas fired her second	155. Relevance – FRE	
	shot approximately seven	401	
	seconds after her first shot.	Vague as to time –	
	<i>Evidence:</i> Ex. 2 to Le Decl.,	FRE 403	
	Vazquez BWC at 11:45:03-		
	11:45:12; Ex. 11 to Le Decl.,		
	Barajas BWC at 11:45:04-		

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2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	11:45:13.		
5	156. Barajas fired a third shot	156. Relevance – FRE	
6	approximately two seconds	401	
7	after her second shot.	Vague as to time –	
8	<i>Evidence:</i> Ex. 2 to Le Decl.,	FRE 403	
9	Vazquez BWC at 11:45:10-		
10	11:45:14; Ex. 11 to Le Decl.,		
11	Barajas BWC at 11:45:10-		
12	11:45:15.		
13	157. The gun on Chin was	157. Lacks foundation -	
14	pointed down when Barajas	FRE 602	
15	fired additional shots.	Relevance – FRE	
16	<i>Evidence:</i> Ex. 10 to Le Decl.,	401	
17	Barajas Dep. 37:6-8.	Vague as to time –	
18		FRE 403	
19	158. At all times while	158. Lacks foundation -	
20	Barajas and Vazquez were on	FRE 602	
21	scene, Chin never pointed the	Relevance – FRE	
22	firearm at anyone.	401	
23	<i>Evidence:</i> Ex. 10 to Le Decl.,	Vague as to time –	
24	Barajas Dep. 38:2-6.	FRE 403	
25	159. At all times while	159. Lacks foundation	
26	Barajas and Vazquez were on	and calls for	
27	scene, Chin never raised the	speculation- FRE	
28	firearm towards anyone.	602; 701.	
	<i>Evidence:</i> Ex. 2 to Le Decl.,	Relevance – FRE	
	Vazquez BWC at 11:44:57-	401	
	11:45:16; Ex. 10 to Le Decl.,	Vague as to time –	
	Barajas Dep. 38:7-9.		

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2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4		FRE 403	
5	160. Barajas never saw Chin	160. Lacks foundation	
6	holding the firearm with both	and calls for	
7	hands.	speculation- FRE	
8	<i>Evidence:</i> Ex. 10 to Le Decl.,	602; 701.	
9	Barajas Dep. 38:10-13.	Relevance – FRE	
10		401	
11		Vague as to time –	
12		FRE 403	
13	161. At all times while	161. Lacks foundation	
14	Barajas and Vazquez were on	and calls for	
15	scene, Chin never manipulated	speculation- FRE	
16	the firearm.	602; 701.	
17	<i>Evidence:</i> Ex. 10 to Le Decl.,	Relevance – FRE	
18	Barajas Dep. 36:13-15.	401	
19		Vague as to time –	
20		FRE 403	
21	162. The gun was within	162. Lacks foundation	
22	reach of Chin but Barajas	and calls for	
23	never saw Chin touch the gun.	speculation- FRE	
24	<i>Evidence:</i> Ex. 10 to Le Decl.,	602; 701.	
25	Barajas Dep. 59:9-14.	Relevance – FRE	
26		401	
27		Vague as to time –	
28		FRE 403	
	163. Barajas never heard	163. Calls for	
	Chin say anything.	speculation- FRE	
	<i>Evidence:</i> Ex. 10 to Le Decl.,	701.	
	Barajas Dep. 35:24-36:1.	Relevance – FRE	

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2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4		401	
5		Vague as to time –	
6		FRE 403	
7	164. Vazquez never heard	164. Calls for	
8	Chin say anything at any time.	speculation- FRE	
9	<i>Evidence:</i> Ex. 1 to Le Decl.,	701.	
10	Vazquez Dep. 40:12-14.	Relevance – FRE	
11		401	
12		Vague as to time –	
13		FRE 403	
14	165. Barajas could tell that	165.	
15	other shots were coming from	Relevance – FRE	
16	her right side and she knew	401	
17	that there was another deputy	Vague and	
18	positioned to her right.	ambiguous – FRE	
19	<i>Evidence:</i> Ex. 10 to Le Decl.,	403	
20	Barajas Dep. 28:19-29:15.		
21	166. Barajas saw Chin react	166. Lacks foundation	
22	to the gunshots in between	and calls for	
23	Barajas' shots and Deputy	speculation- FRE	
24	Vazquez's shot.	602; 701.	
25	<i>Evidence:</i> Ex. 10 to Le Decl.,	Relevance – FRE	
26	Barajas Dep. 31:14-32:1.	401	
27		Vague and	
28		ambiguous – FRE	
		403	
	167. Barajas observed Chin's	167. Relevance – FRE	
	posture bend slightly forward	401	
	and he was no longer upright.	Vague and	

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2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	<i>Evidence:</i> Ex. 10 to Le Decl.,	ambiguous– FRE	
5	Barajas Dep. 32:2-9; Ex. 2 to Le	403	
6	Decl., Vazquez BWC at		
7	11:45:11-11:45:15; Ex. 11 to		
8	Le Decl., Barajas BWC at		
9	11:45:11-11:45-17.		
10	168. Chin was going to the	168. Lacks foundation	
11	ground in a slow manner.	and calls for	
12	<i>Evidence:</i> Ex. 10 to Le Decl.,	speculation- FRE	
13	Barajas Dep. 40:22-24; Ex. 2 to	602; 701.	
14	Le Decl., Vazquez BWC at	Relevance – FRE	
15	11:45:11-11:45:15; Ex. 11 to	401	
16	Le Decl., Barajas BWC at	Vague and	
17	11:45:11-11:45-17.	ambiguous– FRE	
18		403	
19	169. Barajas recalls	169. Lacks foundation	
20	observing shot(s) fired after	and calls for	
21	Chin's posture bent slightly	speculation- FRE	
22	forward.	602; 701.	
23	<i>Evidence:</i> Ex. 10 to Le Decl.,	Relevance – FRE	
24	Barajas Dep. 32:10-17; Ex. 2 to	401	
25	Le Decl., Vazquez BWC at	Vague as to time –	
26	11:45:14-11:45:16; Ex. 11 to	FRE 403	
27	Le Decl., Barajas BWC at		
28	11:45:14-11:45:16.		
	170. Barajas never gave Chin	170. Lacks foundation	
	commands to stop walking, to	and calls for	
	not advance towards her or the	speculation- FRE	
	other vehicle on the road, or to	602; 701.	
	get down on the ground.	Relevance – FRE	
	<i>Evidence:</i> Ex. 11 to Le Decl.,	401	
	Barajas BWC at 11:44:25-		

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2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	11:45:18.		
5		Vague as to time – FRE 403	
6	171. Barajas never gave Chin	171. Lacks foundation	
7	a warning that she was	and calls for	
8	prepared to use deadly force if	speculation- FRE	
9	Chin did not comply with her	602; 701.	
10	commands before any of her	Relevance – FRE	
11	shots.	401	
12	<i>Evidence:</i> Ex. 11 to Le Decl.,	Vague as to time –	
13	Barajas BWC at 11:44:25-	FRE 403	
14	11:45:18.		
15	172. Chin was facing	172. Lacks foundation	
16	northbound and was not	and calls for	
17	rotating towards Vazquez at	speculation- FRE	
18	the time of Vazquez's second	602; 701.	
19	shot.	Relevance – FRE	
20	<i>Evidence:</i> Ex. 2 to Le Decl.,	401	
21	Vazquez BWC at 11:45:13-	Vague and	
22	11:45:16; Ex. 7 to LE Decl.,	ambiguous– FRE	
23	Vazquez Dep. Ex. 5	403	
24	Screenshot; Ex. 8 to Le Decl.,		
25	Vazquez Dep. Ex. 6		
26	Screenshot; Ex. 9 to Le Decl.,		
27	Vazquez Dep. Ex. 7		
28	Screenshot; Ex. 11 to Le Decl.,		
	Barajas BWC at 11:45:13-		
	11:45:17; Ex. 12 to Le Decl.,		
	Barajas Dep. Ex. 13		
	Screenshot.		
	173. Vazquez fired his	173. Relevance – FRE	
	second shot approximately five	401	
		Vague as to time –	

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2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	seconds after he fired his first	FRE 403	
5	shot.		
6	<i>Evidence:</i> Ex. 2 to Le Decl.,		
7	Vazquez BWC at 11:45:09-		
8	11:45:16.		
9	174. At the time Vazquez	174.	
10	fired from his shotgun, he did		
11	not have any cover.		
12	<i>Evidence:</i> Ex. 1 to Le Decl.,		
13	Vazquez Dep. 44:16-21.		
14	175. The fact that Vazquez	175. Relevance – FRE	
15	did not have cover was a factor	401	
16	in his decision to fire his	Vague as to time –	
17	second shot.	FRE 403	
18	<i>Evidence:</i> Ex. 1 to Le Decl.,		
19	Vazquez Dep. 44:25-45:12.		
20	176. Chin went to the ground	176. Relevance – FRE	
21	soon after Vazquez's second	401	
22	shot.	Vague as to time –	
23	<i>Evidence:</i> Ex. 1 to Le Decl.,	FRE 403	
24	Vazquez Dep. 41:2-5.		
25	177. After Vazquez's second	177. Relevance – FRE	
26	shot, Chin fell onto his back,	401	
27	with his face looking upwards	Vague as to time –	
28	towards the sky.	FRE 403	
	<i>Evidence:</i> Ex. 2 to Le Decl.,		
	Vazquez BWC at 11:45:14-		
	11:45:30.		

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2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	178. Chin fell to the ground	178. Lacks foundation	
5	approximately 15 to 20 feet	and calls for	
6	from Barajas's vehicle.	speculation- FRE	
7	<i>Evidence:</i> Ex. 2 to Le Decl.,	602; 701.	
8	Vazquez BWC at 11:45:14-	Relevance – FRE	
9	11:45:30; Ex. 11 to Le Decl.,	401	
10	Barajas BWC at 11:47:06-	Vague as to time –	
11	11:47:08.	FRE 403	
12	179. Vazquez got the	179. Calls for	
13	impression that his second shot	speculation- FRE	
14	struck Chin.	602; 701.	
15	<i>Evidence:</i> Ex. 1 to Le Decl.,	Relevance – FRE	
16	Vazquez Dep. 40:19-41:1.	401	
17		Vague as to time –	
18		FRE 403	
19	180. Vazquez did not hear	180. Relevance – FRE	
20	any shots immediately after his	401	
21	shooting sequence.	Vague as to time –	
22	<i>Evidence:</i> Ex. 1 to Le Decl.,	FRE 403	
23	Vazquez Dep. 41:9-12.		
24	181. At 11:45:14 on	181. Relevance – FRE	
25	Vazquez's bodyworn camera	401	
26	video, Chin is slightly bent	Vague and	
27	over and facing northbound.	ambiguous – FRE	
28	<i>Evidence:</i> Ex. 1 to Le Decl.,	403	
	Vazquez Dep. 73:21-74:4; Ex.		
	7 to Le Decl., Vazquez. Dep.		
	Ex. 5; Ex. 8 to Le Decl.,		
	Vazquez Dep. Ex. 6.		

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2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	182. At 11:45:13 on	182. Relevance – FRE	
5	Barajas's bodyworn camera	401	
6	video, a couple of shots have	Vague and	
7	already gone off and Chin is	ambiguous – FRE	
8	facing north.	403	
9	<i>Evidence:</i> Ex. 1 to Le Decl.,		
	Vazquez Dep. 78:13-79:5.		
10	183. At 11:45:15 on	183. Relevance – FRE	
11	Barajas's bodyworn camera,	401	
12	Chin is somewhat bent or	Vague and	
13	canted forward and he is still	ambiguous – FRE	
14	facing north.	403	
15	<i>Evidence:</i> Ex. 1 to Le Decl.,		
16	Vazquez Dep. 79:20-80:5; Ex.		
	12 to Le Decl., Barajas Dep. Ex.		
	13.		
17	184. Vazquez never gave	184. Lacks foundation	
18	Chin any commands to stop	FRE 602	
19	walking or to get on the	Relevance – FRE	
20	ground.	401	
21	<i>Evidence:</i> Ex. 2 to Le Decl.,	Vague as to time –	
22	Vazquez BWC at 11:41:56-	FRE 403	
	11:45:19.		
23	185. Vazquez never gave	185. Lacks foundation	
24	Chin a warning that he was	and calls for	
25	prepared to use deadly force if	speculation- FRE	
26	Chin did not comply with his	602; 701.	
27	command before either of	Relevance – FRE	
28	Vazquez's shots.	401	
	<i>Evidence:</i> Ex. 2 to Le Decl.,	Vague as to time;	
	Vazquez BWC at 11:41:56-		

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2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	11:45:19.	vague and	
5		ambiguous – FRE	
6	186. No officer on scene ever	186. Lacks foundation	
7	gave Chin commands to stop	and calls for	
8	walking, to not advance	speculation- FRE	
9	towards them, or to get on the	602; 701.	
10	ground.	Relevance – FRE	
11	<i>Evidence:</i> Ex. 2 to Le Decl.,	401	
12	Vazquez BWC at 11:41:56-	Vague as to time –	
13	11:45:19; Ex. 11 to Le Decl.,	FRE 403	
14	Barajas BWC at 11:44:25-		
15	11:45:18.		
16	187. No officer on scene ever	187. Lacks foundation	
17	gave Chin a warning that	and calls for	
18	deadly force would be used if	speculation- FRE	
19	Chin did not comply with their	602; 701.	
20	commands.	Relevance – FRE	
21	<i>Evidence:</i> Ex. 2 to Le Decl.,	401	
22	Vazquez BWC at 11:41:56-	Vague as to time –	
23	11:45:19; Ex. 11 to Le Decl.,	FRE 403	
24	Barajas BWC at 11:44:25-		
25	11:45:18.		
26	188. Vazquez conceded that	188. Lacks foundation	
27	had Decedent just been	and calls for	
28	walking northbound with the	speculation- FRE	
	rifle slung around his neck,	602; 701.	
	pointed down, and had not	Relevance – FRE	
	grabbed the rifle, raised the	401	
	rifle, or turned towards	Vague as to time;	
	Vazquez with the rifle, it	vague and	
	would have been inappropriate	ambiguous – FRE	
	to shoot based on his training		
	and he would have let the		

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3	Supporting Evidence		
4	situation play out and try to	403	
5	deescalate the situation further.		
6	<i>Evidence:</i> Ex. 1 to Le Decl.,		
7	Vazquez Dep. 45:15-46:4.		
8	189. Chin sustained gunshot	189. Relevance – FRE	
9	wounds to the front of his body	401	
10	just above his pubic region and	Vague and	
11	lower back.	ambiguous– FRE	
12	<i>Evidence:</i> Ex. 14 to Le Decl.,	403	
13	Gliniecki Dep. 7:5-15, 7:21-25,		
14	10:13-17.		
15	190. The gunshot wound to	190. Calls for	
16	the front of the Chin's body	speculation- FRE	
17	above his pubic region had a	602	
18	trajectory of left to right, front	Relevance – FRE	
19	to back, and downwards.	401	
20	<i>Evidence:</i> Ex. 14 to Le Decl.,	Vague as to time –	
21	Gliniecki Dep. 8:12-15.	FRE 403	
22			
23	191. The gunshot wound to	191. Calls for	
24	the lower back, which was	speculation- FRE	
25	close to the middle of the back,	602	
26	had a trajectory of left to right,	Relevance – FRE	
27	back to front, and 45-degree	401	
28	angle upwards.	Vague as to time –	
	<i>Evidence:</i> Ex. 14 to Le Decl.,	FRE 403	
	Gliniecki Dep. 10:13-11:6,		
	12:12-21		
	192. The trajectory of the	192. Calls for	
	gunshot wound to the middle	speculation- FRE	

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3	Supporting Evidence		
4	of the lower back is consistent	602	
5	Chin being bent forward at the	Relevance – FRE	
6	waist and the shooter at Chin's	401	
7	back.		
8	<i>Evidence:</i> Ex. 14 to Le Decl.,	Vague as to time –	
9	Gliniecki Dep. 12:22-13:4.	FRE 403	
10	193. The gunshot wound that	193. Lacks foundation	
11	entered the middle of the lower	and calls for	
12	back was determined to be	speculation- FRE	
13	fatal.	602; 701.	
14	<i>Evidence:</i> Ex. 14 to Le Decl.,	Relevance – FRE	
15	Gliniecki Dep. 13:5-10, 14:1-4.	401	
16		Vague as to time –	
17		FRE 403	
18	<u>The Deputies' Use of Deadly Force Against</u>		
19	<u>Decedent Violated Standard Police Practices and</u>		
20	<u>Training</u>		
21	194. Officers are trained that	194. Vague and	
22	there must be objective factors	ambiguous – FRE	
23	to justify an immediate threat	403	
24	and that a simple statement by		
25	an officer that he or she fears		
26	for his or her safety or the		
27	safety of others is insufficient.		
28	<i>Evidence:</i> Noble Decl. ¶ 12.		
	195. Officers are trained that	195. Vague and	
	to use deadly force, the threat	ambiguous – FRE	
	of death or serious bodily	403	
	injury must be immediate or		
	imminent.		
	<i>Evidence:</i> Noble Decl. ¶ 13; Ex.		

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2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	1 to Le Decl. Vazquez Dep.		
5	50:12-16.		
6	196. Officers are trained that	196. Vague and	
7	a threat of death or serious	ambiguous – FRE	
8	bodily injury is “imminent”	403	
9	when, based on the totality of		
10	the circumstances known to the		
11	officer, a reasonable officer in		
12	the same situation would		
13	believe that a person has the		
14	present ability, opportunity,		
15	and apparent intent to		
16	immediately cause serious		
17	bodily injury to the peace		
18	officer or another person.		
19	<i>Evidence:</i> Noble Decl. ¶ 13; Ex.		
20	1 to Le Decl., Vazquez Dep.		
21	51:17-22.		
22	197. Officers are trained that	197. Vague and	
23	an imminent harm is not	ambiguous – FRE	
24	merely a fear of future harm,	403	
25	no matter how great the fear		
26	and no matter how great the		
27	likelihood of the harm, but one		
28	that, from appearances, must		
	be instantly confronted and		
	addressed.		
	<i>Evidence:</i> Noble Decl. ¶ 13.		
	198. Officers are trained to	198. Vague and	
	control their emotions and to	ambiguous – FRE	
	not panic when encountering	403	
	situations similar this incident.		

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2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	<i>Evidence:</i> Noble Decl. ¶ 15.	Lacks foundation –	
5		FRE 701	
6	199. Officers are trained that	199. Vague and	
7	their subjective fear cannot be	ambiguous – FRE	
8	a justification for the use of	403	
9	deadly force and that their	Lacks foundation –	
10	must be objective facts that	FRE 701	
11	show that the subject posed an		
12	immediate or imminent threat		
13	of death or serious bodily		
14	injury at the time of the use of		
15	deadly force.		
16	<i>Evidence:</i> Noble Decl. ¶ 15; Ex.		
17	1 to Le Decl., Vazquez Dep.		
18	67:2-4.		
19	200. Officers are trained that	200. Vague and	
20	an overreaction in using force	ambiguous – FRE	
21	is excessive force.	403	
22	<i>Evidence:</i> Noble Decl. ¶ 15.	Lacks foundation –	
23		FRE 701	
24	201. Officers are trained that	201. Vague and	
25	deadly force is a last resort that	ambiguous – FRE	
26	should only be used in an	403	
27	immediate defense of life		
28	situation and when no other		
	reasonable alternatives are		
	available.		
	<i>Evidence:</i> Noble Decl. ¶ 17; Ex.		
	1 to Le Decl., Vazquez Dep.		
	50:20-23.		
	202. Officers are trained that	202. Vague and	
	they cannot shoot a person who	ambiguous – FRE	
	they suspect or believe to have	403	

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1	Moving Party's	Opposing Party's	Court's Ruling
2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	committed a violent felony		
5	simply for fleeing, unless the		
6	officer reasonably believes that		
7	the person will cause death or		
8	serious bodily injury to another		
9	unless immediately		
10	apprehended.		
11	<i>Evidence:</i> Noble Decl. ¶ 16.		
12	203. Under the facts of this	203. Lacks foundation	
13	case, deadly force would not	and calls for	
14	be justified against Mr. Chin	speculation- FRE	
15	for his simple act of walking	602; 701.	
16	away from officers and the		
17	information known to the	Assumes facts –	
18	officers at the time is	FRE	
19	insufficient to justify the use of		
20	deadly force against Mr. Chin	Relevance – FRE	
21	for walking away.	401	
22	<i>Evidence:</i> Noble Decl. ¶ 16.	Vague as to time;	
23		vague and	
24		ambiguous – FRE	
25		403	
26	204. Detective Vazquez	204. Lacks foundation	
27	violated standard police	and calls for	
28	practices and training when he	speculation- FRE	
	left available cover to follow	602; 701.	
	Mr. Chin onto Diamond Bar		
	Boulevard and his tactically	Misstates	
	inappropriate decision to leave	testimony/evidence	
	cover contributed to his later	– FRE 403	
	use of deadly force against Mr.		
	Chin, as evidenced by	Vague as to time;	
	Detective Vazquez's testimony	vague and	
	that being without cover was a	ambiguous – FRE	

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1	Moving Party's	Opposing Party's	Court's Ruling
2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	factor in his decision to shoot	403	
5	at Mr. Chin.		
6	<i>Evidence:</i> Noble Decl. ¶ 19.		
7	205. Deputy Barajas's first	205. Lacks foundation	
8	shot at Mr. Chin violated	and calls for	
9	standard police practices and	speculation- FRE	
10	training and a reasonably	602; 701.	
11	trained officer in Deputy		
12	Barajas's position would not	Misstates evidence	
13	have believed that Mr. Chin	– FRE 403	
14	posed an immediate or		
15	imminent threat of death or	Vague as to time;	
16	serious bodily injury at the	vague and	
17	time of Deputy Barajas's first	ambiguous – FRE	
18	shot and would not have shot	403	
19	at all.		
20	<i>Evidence:</i> Noble Decl. ¶ 20.		
21	206. Detective Vazquez's	206. Lacks foundation	
22	first shot at Mr. Chin violated	and calls for	
23	standard police practices and	speculation- FRE	
24	training and a reasonably	602; 701.	
25	trained officer in Detective		
26	Vazquez's position, acting	Misstates evidence	
27	pursuant to standard police	– FRE 403	
28	practices and training, would		
	have been aware of Mr. Chin's	Vague as to time;	
	body and arm positioning	vague and	
	throughout the encounter and	ambiguous – FRE	
	would not have believed that	403	
	Mr. Chin posed an immediate		
	threat of death or serious		
	bodily injury at the time of		

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1	Moving Party's	Opposing Party's	Court's Ruling
2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	Detective Vazquez's first shot		
5	and would not have shot at all.		
6	<i>Evidence:</i> Noble Decl. ¶ 21.		
7	207. Approximately six	207. Lacks foundation	
8	seconds elapsed between	and calls for	
9	Deputy Barajas's first shot and	speculation- FRE	
10	Detective Vazquez's first shot,	602; 701.	
11	which is sufficient time for	Misstates testimony	
12	Detective Vazquez to evaluate	– FRE 403	
13	to situation and see that Mr.	Vague as to time;	
14	Chin was not making any	vague and	
15	threatening or furtive	ambiguous – FRE	
16	movement prior to Detective	403	
17	Vazquez's first shot.		
18	<i>Evidence:</i> Noble Decl. ¶ 21.		
19	208. Deputy Barajas fired her	208. Lacks foundation	
20	second shot approximately	and calls for	
21	seven seconds after her first	speculation- FRE	
22	shot, which is sufficient time	602; 701.	
23	for Deputy Barajas to	Misstates testimony	
24	reevaluate the situation.	– FRE 403	
25	<i>Evidence:</i> Noble Decl. ¶ 22.	Vague as to time;	
26		vague and	
27		ambiguous – FRE	
28		403	
	209. Deputy Barajas's second	209. Lacks foundation	
	shot at Mr. Chin violated	and calls for	
	standard police practices and	speculation- FRE	
	training and a reasonably	602; 701.	
	trained officer in Deputy	Assumes facts –	
	Barajas's position would not	FRE 602	
	have believed that Mr. Chin		

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1	2	3	4
	Moving Party's	Opposing Party's	Court's Ruling
	Uncontroverted Facts and	Objections	
	Supporting Evidence		
4	posed an immediate or	Misstates testimony	
5	imminent threat of death or	– FRE 403	
6	serious bodily injury at the		
7	time of Deputy Barajas's	Vague as to time;	
8	second shot and would not	vague and	
9	have shot at all.	ambiguous – FRE	
	<i>Evidence:</i> Noble Decl. ¶ 22.	403	
10	210. Deputy Barajas fired her	210. Lacks foundation	
11	third shot approximately two	and calls for	
12	seconds after her second shot,	speculation- FRE	
13	which is sufficient time to	602; 701.	
14	allow Deputy Barajas to	Assumes facts –	
15	reevaluate the situation.	FRE 602	
16	<i>Evidence:</i> Noble Decl. ¶ 23.	Vague as to time;	
17		vague and	
		ambiguous – FRE	
		403	
18	211. Deputy Barajas's third	211. Lacks foundation	
19	shot at Mr. Chin violated	and calls for	
20	standard police practices and	speculation- FRE	
21	training and a reasonably	602; 701.	
22	trained officer in Deputy	Assumes facts –	
23	Barajas's position would not	FRE 602	
24	have believed that Mr. Chin	Misstates evidence	
25	posed an immediate or	– FRE 403	
26	imminent threat of death or		
27	serious bodily injury at the	Vague as to time;	
28	time of Deputy Barajas's third	vague and	
	shot and would not have shot	ambiguous – FRE	
	at all.	403	
	<i>Evidence:</i> Noble Decl. ¶ 23.		

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2	Uncontroverted Facts and	Objections	
3	Supporting Evidence		
4	they were prepared to use	Assumes facts –	
5	deadly force despite it being	FRE 602	
6	feasible to do so.		
7	<i>Evidence:</i> Noble Decl. ¶ 25.	Misstates evidence	
8		– FRE 403	
9		Vague as to time;	
10		vague and	
		ambiguous – FRE	
		403	
11	215. The deputies had other	215. Lacks foundation	
12	reasonable alternatives	and calls for	
13	available to them to take Mr.	speculation- FRE	
14	Chin into custody at the time	602; 701.	
15	of the shooting.		
16	<i>Evidence:</i> Noble Decl. ¶ 26.	Assumes facts –	
17		FRE 602	
18			
19		Misstates evidence	
20		– FRE 403	
		Vague as to time;	
		vague and	
		ambiguous – FRE	
		403	
21	216. The deputies had the	216. Lacks foundation	
22	time and opportunity to	and calls for	
23	deescalate further by setting up	speculation- FRE	
24	a perimeter, as other units were	602; 701.	
25	on scene and on their way, and		
26	could have utilized less-lethal	Assumes facts –	
27	force, such as the 40mm, the	FRE 602	
28	beanbag shotgun, or the Taser		
	in order to gain compliance.	Misstates evidence	
	<i>Evidence:</i> Noble Decl. ¶ 26.	– FRE 403	
		Vague as to time;	

1	Moving Party's	Opposing Party's	Court's Ruling
2	Uncontroverted Facts and		
3	Supporting Evidence		
4		vague and	
5		ambiguous – FRE	
6		403	

7 DATED: October 20, 2025

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